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## UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

FOUAD DAKKA, et al.,

Plaintiffs, : **ORDER** 

v. : Civ. No. 09-4564 (WHW)

CITY OF HACKENSACK, et al.,

Defendants.

:

## Walls, Senior District Judge

This matter comes before the Court on the November 16, 2012 Report and Recommendation of United States Magistrate Judge Madeline Cox Arleo recommending that the Court dismiss, with prejudice, the Amended Complaint as to the Lebanon Plaintiffs, but allow Plaintiff Fouad Dakka to proceed with his Amended Complaint.

This Court reviews the Report and Recommendation under 28 U.S.C. § 636 and Local Civil Rule 72.1. The Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge" and must "make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b). <u>See</u> L. Civ. R. 72.1(c)(2). No objections have been raised to any part of the Report and Recommendation.

This Court has reviewed the full record in this matter and finds that the Report and Recommendation adequately develops the factual record and applies the correct legal standard. The Report and Recommendation documents the failure of the Lebanon Plaintiffs to prosecute

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this litigation, comply with their discovery obligations, and attend Court ordered scheduling

conferences. Applying the six-factor test established by the Third Circuit in Poulis v. State Farm

Fire & Casualty Co., 747 F.2d 863, 868 (3d Cir. 1984), the Report and Recommendation

concludes that the appropriate sanction for this conduct would be dismissal of the Amended

Complaint as to the Lebanon Plaintiffs. This Court adopts the Report and Recommendation and

imposes the recommended sanction.

It is, on this 13th day of March, 2013:

ORDERED that the November 16, 2012 Report and Recommendation is ADOPTED and

the Amended Complaint (Docket Entry 1, Exhibit C only as to Lebanon Plaintiffs) as to the

Lebanon Plaintiffs is dismissed with prejudice.

/s/ William H. Walls

United States Senior District Judge

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